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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,051	11/18/2003	Thomas Arnold Anschutz	9400-47 (030312)	4265
39072	7590	12/26/2007		
MYERS BIGEL SIBLEY & SAJOVEC, P.A.			EXAMINER	
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RALEIGH, NC 27627			ART UNIT	PAPER NUMBER
			2151	
			MAIL DATE	DELIVERY MODE
			12/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,051	Applicant(s) ANSCHUTZ ET AL.	
	Examiner Saket K. Daftuar	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/11/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-44 are presented for the examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 28 recites a system claim dependent upon a method claim 27.

There is insufficient antecedent basis for this limitation in the claim. For the purpose of examining, claim 28 is treated as method claim. An appropriate correction is required from applicant.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over DSL Evolution-Architecture Requirements for the Support of Qos Enabled IP Services,

Revision 8 (hereinafter DSL Evolution) and Freed et al. US Patent Number 7,073,055 B1 (hereinafter Freed).

As per claim 1, Freed discloses a system that is configured to manage QoS (see column 3, lines 3-46), session authentication and/or bandwidth allocation (column 7, lines 53-57, column 13, line 18 – column 14, line 30) for an access session from the CPN (see figure 1, CPE 18).

However, Freed is silent about the system having a plurality of subsystem.

DSL Evolution teaches a first subsystem (User1, Figure 2) and a second subsystem (User 2, Figure 2) that is configured to manage QoS, session authentication and/or bandwidth allocation for an access session from the CPN.

Therefore, it would have been obvious at the time the invention was made to combine the teachings of Freed and DSL Evolution to obtain a predictable result to provide an advanced DSL architecture that provides a dynamic network services for users in a distributed system and for remote user for accessing services remotely with enhanced bandwidth and quality.

As per claim 2, DSL Evolution teaches the first subsystem comprises a RAN to RG access session message generator (see page 21, section 4.2.6.2 communication protocols) that is configured to send an Update Session Bandwidth Info message from the RAN to the RG (see Figure 14, section 4.2.6.2; 4.2.7.2 Routing Gateway) to notify the RG when new bandwidth and/or new QoS

information is available for a session (see Figure 14, section 4.2.6.2; 4.2.7.2 Routing Gateway; and Figure 16).

As per claim 3, DSL Evolution teaches the second subsystem comprises a RAN to RG application flow message generator (see page 21, section 4.2.6.2 communication protocols) that is configured to send an Update Application Flow Control Info message from the RAN to the RG to notify the RG when new bandwidth and/or new QoS information is available for an application flow (see Figure 14, section 4.2.6.2; 4.2.7.2 Routing Gateway; and Figure 16).

As per claim 4, DSL Evolution teaches the RAN to RG access session message generator (see page 21, section 4.2.6.2 communication protocols) is further configured to send an Update Session Bandwidth Response message from the RAN to the RG to notify the RG of access session bandwidth and/or QoS settings that are stored in the RAN for the CPN (see Figure 14, section 4.2.6.2; 4.2.7 and 4.2.7..2 Routing Gateway; and Figures 16 and 21).

As per claim 5, DSL Evolution teaches the RAN to RG application flow message generator (see page 21, section 4.2.6.2 communication protocols) is further configured to send an Update Flow Control Response message from the RAN to the RG to notify the RG of application flow bandwidth and/or QoS settings that are stored in the RAN for the CPN (see Figure 14, section 4.2.6.2; 4.2.7 and 4.2.7..2 Routing Gateway; and Figures 16 and 21).

As per claim 6, DSL Evolution teaches the first subsystem further comprises a RG to RAN access session message generator (see page 21,

section 4.2.6.2 communication protocols) that is configured to send an Update Session Bandwidth Request message from the RG to the RAN to obtain from the RG access session bandwidth and/or QoS settings that are stored in the RAN for the CPN (see Figure 14, section 4.2.6.2; 4.2.7 and 4.2.7..2 Routing Gateway; and Figures 16 and 21).

As per claim 7, DSL Evolution teaches the second subsystem further comprises a RG to RAN application flow message generator that is configured to send an Update Application Flow Control Request message from the RG to the RAN to obtain from the RG application flow bandwidth and/or QoS settings that are stored in the RAN for the CPN (see Figure 14, section 4.2.6.2; 4.2.7 and 4.2.7..2 Routing Gateway; and Figures 16 and 21).

As per claim 8, DSL Evolution teaches a RAN to ASP service session message generator that is configured to send an Establish Service Session Response message from the RAN to the ASP to indicate to the ASP what RAN resources are authorized for an access session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 9, DSL Evolution teaches the second subsystem further comprises a RAN to ASP application flow message generator that is configured to send a Create Application Flow Control Response message from the RAN to the ASP to indicate to the ASP that an application flow control request from the ASP to the RAN has been accomplished successfully ((see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 10, DSL Evolution teaches the RAN to ASP application flow message generator is further configured to send a Delete Application Flow Control Response message from the RAN to the ASP to indicate to the ASP that an application flow has been deleted successfully (see section 5.3, 5.3.1, 5.3.2 and Figure 21)).

As per claim 11, DSL Evolution teaches an ASP to RAN service session message generator that is configured to send an Establish Service Session Request message from the ASP to the RAN to request establishing an access session and to indicate to the RAN a life span of the requested access session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 12, DSL Evolution teaches the second subsystem further comprises an ASP to RAN application flow message generator that is configured to send a Create Application Flow Control Request message from the ASP to the RAN to request establishing an application flow and to indicate to the RAN a type of application flow, a priority of the application flow and a bandwidth of the application flow (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 13, DSL Evolution teaches the ASP to RAN application flow message generator is further configured to send a Delete Application Flow Control Request message from the ASP to the RAN to request deleting an application flow (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 14, DSL Evolution teaches the ASP to RAN application flow message generator is further configured to send a Change Application Flow

Control Request message from the ASP to the RAN to request changing an application flow (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 15, DSL Evolution teaches the ASP to RAN application flow message generator is further configured to send a Query Application Flow Control Request message from the ASP to the RAN to query the RAN as to what resources are assigned to an application flow (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 16, DSL Evolution teaches the RAN to ASP application flow message generator is further configured to send a Query Application Flow Control Response message from the RAN to the ASP to indicate to the ASP what resources are assigned to an application flow (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 17, DSL Evolution teaches the ASP to RAN access session message generator is further configured to send a Query Session Bandwidth Request message from the ASP to the RAN to query the RAN as to what resources are assigned to an access session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 18, DSL Evolution teaches the RAN to ASP access session message generator is further configured to send a Query Session Bandwidth Response message from the RAN to the ASP to indicate to the ASP what resources are assigned to an access session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 19, DSL Evolution teaches the RAN to ASP service session message generator is further configured to send a Terminate Service Session Response message from the RAN to the ASP to indicate to the ASP whether a session has been terminated successfully (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 20, DSL Evolution teaches the ASP to RAN service session message generator is further configured to send a Terminate Service Session Request message from the ASP to the RAN to request terminating a session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 21, DSL Evolution teaches a RAN to NSP service session message generator that is configured to send an Establish Service Session Response message from the RAN to the NSP to indicate to the NSP what RAN resources are authorized for a service session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 22, DSL Evolution teaches an NSP to RAN service session message generator that is configured to send an Establish Service Session Request message from the NSP to the RAN to request establishing a service session and to indicate to the RAN a life span of the requested service session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 23, DSL Evolution teaches the NSP to RAN access session message generator is further configured to send a Change Session Bandwidth Request message from the NSP to the RAN to change the QoS and/or

bandwidth provided by the RAN for an access session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 24, DSL Evolution teaches the NSP to RAN access session message generator is further configured to send a Query Session Bandwidth Request message from the ASP to the RAN to query the RAN as to what resources are assigned to an access session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 25, DSL Evolution teaches the RAN to NSP service session message generator is further configured to send a Terminate Service Session Response message from the RAN to the NSP to indicate whether a session has been terminated successfully (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claim 26, DSL Evolution teaches the NSP to RAN service session message generator is further configured to send a Terminate Service Session Request message from the NSP to RAN to request terminating a session (see section 5.3, 5.3.1, 5.3.2 and Figure 21).

As per claims 27-31, they do not teach or further define over the limitation as recited in claims 1-26. Therefore, claims 27-31 are rejected under same scope as discussed in claims 1-26, *supra*.

As per claims 32-44, they do not teach or further define over the limitation as recited in claims 1-26. Therefore, claims 32-44 are rejected under same scope as discussed in claims 1-26, *supra*.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Also, see accompanying PTO 892 form.

a. Quality Assured Network Service Provision System Compatible with a Multi-Domain Network and Service Provision Method and Service Provision Method and Service Broker Device by Nishi, US Patent Number 7,254,645 B2.

b. Apparatus and Method for Dynamic Bandwidth Allocation by Chawla et al. US Patent Number 6,876,668 B1.

7. A shortened statutory period for reply to this non-final action is set to expire **THREE MONTHS** from the mailing date of this action. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (See 35 U.S.C 133, M.P.E.P 710.02,71002 (b)).

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saket K. Daftuar whose telephone number is 571-272-8363. The examiner can normally be reached on 8:30am-5:00pm M-W.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SKD



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SUPERVISORY PATENT EXAMINER